

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01188-ABJ**

BARTON et al v. U.S. GEOLOGICAL SURVEY et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 06/16/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff**ANNE BARTON**

represented by **Katherine A. Meyer**
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Plaintiff**CAROL GRUNEWALD**

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Elizabeth Leigh Lewis
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Plaintiff**MARY ROWSE**

represented by **Katherine A. Meyer**
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Elizabeth Leigh Lewis
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V.

Defendant**U.S. GEOLOGICAL SURVEY**

represented by **Brian P. Hudak**
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TERMINATED: 08/07/2019

Defendant

**U.S. DEPARTMENT OF THE
 INTERIOR**

represented by **Brian P. Hudak**
 (See above for address)
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ATTORNEY TO BE NOTICED

John Moustakas
 (See above for address)
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ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
 (See above for address)
TERMINATED: 08/07/2019

| Date Filed | # | Docket Text |
|------------|----------|---|
| 06/16/2017 | <u>1</u> | COMPLAINT against All Plaintiffs (Filing fee \$ 400 receipt number 0090-4994647) filed by ANNE BARTON, MARY ROWSE, CAROL GRUNEWALD. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons USGS Summons, # <u>3</u> Summons DOI Summons, # <u>4</u> Summons AG Summons, # <u>5</u> Summons US Atty Summons)(Meyer, Katherine) (Entered: 06/16/2017) |
| 06/16/2017 | <u>2</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Elizabeth L. Lewis, :Firm- Meyer Glitzenstein & Eubanks LLP, :Address- 4115 Wisconsin Ave NW, Ste 210, Washington DC 20016. Phone No. - 202-588-5206. Fax No. - 202-588-5049 Filing fee \$ 100, receipt number 0090-4994673. Fee Status: Fee Paid. by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE (Attachments: # <u>1</u> Declaration Declaration of Elizabeth Lewis PHV, # <u>2</u> Text of Proposed Order Proposed Order)(Meyer, Katherine) (Entered: 06/16/2017) |
| 06/19/2017 | | Case Assigned to Judge Amy Berman Jackson. (sb) (Entered: 06/19/2017) |
| 06/19/2017 | <u>3</u> | REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint, filed by ANNE BARTON, MARY ROWSE, CAROL GRUNEWALD. Related document: <u>1</u> Complaint, filed by ANNE BARTON, MARY ROWSE, CAROL GRUNEWALD. (Attachments: # <u>1</u> |

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| | | Summons USGS Summons, # <u>2</u> Summons DOI Summons, # <u>3</u> Summons AG Summons, # <u>4</u> Summons U.S. Attorney Summons)(Meyer, Katherine) (Entered: 06/19/2017) |
| 06/19/2017 | | MINUTE ORDER granting <u>2</u> Motion for Leave of Elizabeth L. Lewis to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/19/2017. (lcabj3) (Entered: 06/19/2017) |
| 06/20/2017 | <u>4</u> | SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 06/20/2017) |
| 07/20/2017 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE INTERIOR served on 6/30/2017; U.S. GEOLOGICAL SURVEY served on 6/28/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/7/2017. (Answer due for ALL FEDERAL DEFENDANTS by 8/6/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/03/2017. (Attachments: # <u>1</u> Exhibit Scanned Return Receipts)(Meyer, Katherine) (Entered: 07/20/2017) |
| 08/01/2017 | <u>6</u> | NOTICE of Appearance by Melanie Dyani Hendry on behalf of U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Hendry, Melanie) (Entered: 08/01/2017) |
| 08/01/2017 | <u>7</u> | ANSWER to Complaint by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY.(Hendry, Melanie) (Entered: 08/01/2017) |
| 08/02/2017 | | MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff on or before September 5, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/2/2017. (lcabj3) (Entered: 08/02/2017) |
| 09/05/2017 | <u>8</u> | STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Hendry, Melanie) (Entered: 09/05/2017) |
| 09/05/2017 | | MINUTE ORDER. Plaintiffs shall advise the Court by September 7, 2017, if they object to the proposed schedule set forth in defendants' <u>8</u> status report. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/5/2017.(lcabj3) (Entered: 09/05/2017) |
| 09/07/2017 | <u>9</u> | RESPONSE TO ORDER OF THE COURT re Order, Set Deadlines <i>Response to Defendants' Status Report</i> filed by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE. (Lewis, Elizabeth) (Entered: 09/07/2017) |
| 09/07/2017 | | MINUTE ORDER. Defendants shall complete their re-review of the production by October 20, 2017, and the parties shall submit a joint status report by that date to update the Court on the status of the matter and to propose a schedule for further proceedings, if necessary. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/7/2017. (lcabj3) (Entered: 09/07/2017) |
| 10/19/2017 | <u>10</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Hendry, Melanie) (Entered: 10/19/2017) |
| 10/19/2017 | | MINUTE ORDER. The parties are ORDERED to file a joint status report by December 11, 2017, which should include a proposed schedule for further proceedings if necessary. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/19/2017. (lcabj3) (Entered: 10/19/2017) |
| 10/19/2017 | | Set/Reset Deadlines: Joint Status Report due by 12/11/2017. (tg) (Entered: 10/19/2017) |

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| 12/12/2017 | <u>11</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Hendry, Melanie) (Entered: 12/12/2017) |
| 12/14/2017 | | MINUTE ORDER. It is hereby ordered that defendants shall file its motion for summary judgment by February 14, 2018. Plaintiffs' opposition (and cross motion, if any, supported by the same memorandum of points and authorities) will be due March 14, 2018. Defendants' reply (combined with its cross opposition, if necessary) will be due April 13, 2018. Plaintiffs' cross reply, if any, will be due April 27, 2018. Signed by Judge Amy Berman Jackson on 12/14/2017. (lcabj3) (Entered: 12/14/2017) |
| 02/14/2018 | <u>12</u> | MOTION for Summary Judgment by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Brian May, # <u>3</u> Exhibit 1 to May Declaration)(Hendry, Melanie) (Entered: 02/14/2018) |
| 03/08/2018 | <u>13</u> | Consent MOTION for Extension of Time to file <i>Opposition to Defendants Motion for Summary Judgment and Plaintiffs Cross–Motion for Summary Judgment</i> by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE (Meyer, Katherine) (Entered: 03/08/2018) |
| 03/09/2018 | | MINUTE ORDER granting <u>13</u> Motion for Extension of Time. It is hereby ordered that Plaintiffs' opposition to defendants' motion for summary judgment (and cross motion, if any, supported by the same memorandum of points and authorities) will be due March 30, 2018. Defendants' reply (combined with its cross opposition, if necessary) will be due April 30, 2018. Plaintiffs' cross reply, if any, will be due June 1, 2018. Signed by Judge Amy Berman Jackson on 03/09/2018. (lcabj3) (Entered: 03/09/2018) |
| 03/30/2018 | <u>14</u> | MOTION for Summary Judgment by MARY ROWSE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit Exhibit List, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Text of Proposed Order)(Meyer, Katherine) (Entered: 03/30/2018) |
| 03/30/2018 | <u>15</u> | Memorandum in opposition to re <u>12</u> MOTION for Summary Judgment filed by MARY ROWSE. (Attachments: # <u>1</u> Statement of Facts Response to Defendants' Statement of Material Facts, # <u>2</u> Exhibit List of Exhibits, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Text of Proposed Order)(Meyer, Katherine) (Entered: 03/30/2018) |
| 04/30/2018 | <u>16</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Attachments: # <u>1</u> Declaration of Nick Bartolomeo)(Hendry, Melanie) (Entered: 04/30/2018) |
| 05/01/2018 | | MINUTE ORDER. The parties must file a status report by May 31, 2018. Signed by Judge Amy Berman Jackson on 05/01/2018. (lcabj3) (Entered: 05/01/2018) |
| 05/18/2018 | <u>17</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Hendry, Melanie) (Entered: 05/18/2018) |
| 05/21/2018 | | MINUTE ORDER. The parties must file a joint status report by June 22, 2018. Signed by Judge Amy Berman Jackson on 05/21/2018. (lcabj3) (Entered: 05/21/2018) |
| 06/22/2018 | <u>18</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Hendry, Melanie) (Entered: 06/22/2018) |
| 06/25/2018 | | MINUTE ORDER. The parties must submit a joint status report by July 23, 2018. Signed by Judge Amy Berman Jackson on 06/25/2018. (lcabj3) (Entered: 06/25/2018) |
| 07/20/2018 | <u>19</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Hendry, Melanie) (Entered: 07/20/2018) |
| 07/23/2018 | | MINUTE ORDER. In a <u>16</u> joint status report dated April 30, 2018, the parties informed the Court that the government had released the two remaining documents at issue and therefore the "parties respectfully submit that the summary judgment motion and cross–motions are now moot." The parties then attempted to reach an agreement on attorneys' fees and costs. In a <u>19</u> joint status report dated July 20, 2018 the parties |

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| | | informed the Court that those efforts failed and proposed the following fee briefing schedule which the Court will adopt: plaintiffs' fee petition must be filed by September 26, 2018; defendants' response must be filed by October 26, 2018; and plaintiffs' reply must be filed by November 16, 2018. The Court will deny the pending motions <u>12</u> <u>14</u> for summary judgment as moot. Signed by Judge Amy Berman Jackson on 07/23/2018. (lcabj3) (Entered: 07/23/2018) |
| 07/23/2018 | | Set/Reset Deadlines: Plaintiffs' fee petition is due by 9/26/2018; Defendants' Response is due by 10/26/2018; Plaintiffs' Reply is due by 11/16/2018. (jth) (Entered: 07/24/2018) |
| 09/26/2018 | <u>20</u> | MOTION for Attorney Fees <i>and Costs</i> by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit Declaration, # <u>6</u> Exhibit Declaration, # <u>7</u> Exhibit Declaration)(Meyer, Katherine) (Entered: 09/26/2018) |
| 10/24/2018 | <u>21</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Attorney Fees <i>and Costs</i> by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Hendry, Melanie) (Entered: 10/24/2018) |
| 10/26/2018 | | MINUTE ORDER granting <u>21</u> Consent Motion for Extension of Time. Defendants' response to plaintiffs' application for attorneys' fees and costs is due on November 20, 2018. Plaintiffs' reply is due on December 11, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/26/2018. (lcabj3) (Entered: 10/26/2018) |
| 11/19/2018 | <u>22</u> | Consent MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Hendry, Melanie) (Entered: 11/19/2018) |
| 11/20/2018 | | MINUTE ORDER granting <u>22</u> Consent Motion for Extension of Time. Defendants' response to plaintiffs' application for attorneys' fees and costs is due on December 11, 2018. Plaintiffs' reply is due on January 11, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/20/2018. (lcabj3) (Entered: 11/20/2018) |
| 12/10/2018 | <u>23</u> | MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Attorney Fees <i>and Costs</i> by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Hendry, Melanie) (Entered: 12/10/2018) |
| 12/11/2018 | | MINUTE ORDER granting <u>23</u> Motion for Extension of Time. Defendants' response to plaintiffs' application for attorneys' fees and costs is due on January 7, 2019. Plaintiffs' reply is due on February 8, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/11/2018. (lcabj3) Modified on 12/11/2018 to reflect that the response is due January 7, 2019, not "2018" (jth). (Entered: 12/11/2018) |
| 01/04/2019 | <u>24</u> | Consent MOTION to Stay <i>in Light of Lapse In Appropriations</i> by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Hendry, Melanie) (Entered: 01/04/2019) |
| 01/07/2019 | | MINUTE ORDER granting <u>24</u> Motion to Stay. Defendants must file a status report within two business days of the resumption of government operations, with a proposed schedule for the filing of their response to the motion for attorneys' fees and costs and for plaintiffs' reply brief. Signed by Judge Amy Berman Jackson on 1/7/19. (DMK) (Entered: 01/07/2019) |
| 01/30/2019 | <u>25</u> | NOTICE of Resumption of Government Operations and Proposed Schedule by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Hendry, Melanie) (Entered: 01/30/2019) |
| 01/31/2019 | | MINUTE ORDER. In light of the government's notice <u>25</u> , the stay in this case is lifted. Defendants' response to plaintiffs' application for attorneys' fees and costs is due on March 7, 2019. Plaintiffs' reply is due on April 8, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/31/2019. (lcabj3) (Entered: 01/31/2019) |
| 03/06/2019 | <u>26</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Attorney Fees <i>and Costs</i> by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 03/06/2019) |

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| 03/11/2019 | | MINUTE ORDER granting <u>26</u> Consent Motion for Extension of Time. At the parties' request, the Court hereby adopts the following amended briefing schedule: defendants' opposition to the motion for attorneys' fees and costs is due March 28, 2019. Plaintiff's reply is due April 29, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/11/2019. (lcabj3) (Entered: 03/11/2019) |
| 03/28/2019 | <u>27</u> | RESPONSE re <u>20</u> MOTION for Attorney Fees <i>and Costs</i> filed by U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY. (Attachments: # <u>1</u> Exhibit A)(Hendry, Melanie) (Entered: 03/28/2019) |
| 04/09/2019 | <u>28</u> | REPLY to opposition to motion re <u>20</u> MOTION for Attorney Fees <i>and Costs</i> filed by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE. (Attachments: # <u>1</u> Affidavit)(Meyer, Katherine) (Entered: 04/09/2019) |
| 05/31/2019 | <u>29</u> | NOTICE OF SUPPLEMENTAL AUTHORITY by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Meyer, Katherine) (Entered: 05/31/2019) |
| 06/03/2019 | | MINUTE ORDER. Plaintiffs must re-file Ex. 10 to their Notice of Supplemental Authorities <u>29</u> . The "updated declaration" referenced in their filing is not attached. SO ORDERED. Signed by Judge Amy Berman Jackson on 06/03/2019. (lcabj3) (Entered: 06/03/2019) |
| 06/09/2019 | <u>30</u> | ENTERED IN ERROR. . . . NOTICE OF SUPPLEMENTAL AUTHORITY by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE (Meyer, Katherine) Modified on 6/10/2019 (ztd). (Entered: 06/09/2019) |
| 06/10/2019 | | NOTICE OF ERROR re <u>30</u> NOTICE OF SUPPLEMENTAL AUTHORITY; emailed to kmeyer@meyerglitz.com, cc'd 8 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect header/caption/case number, 2. Invalid attorney signature, 3. Please refile document, 4. Please refer to LCvR 5.1(d) re: Form of Documents. (ztd,) (Entered: 06/10/2019) |
| 06/10/2019 | <u>31</u> | ERRATA re <u>29</u> NOTICE OF SUPPLEMENTAL AUTHORITY by ANNE BARTON, CAROL GRUNEWALD, MARY ROWSE (Attachments: # <u>1</u> Exhibit)(Meyer, Katherine) Modified event title and link on 6/14/2019 (znmw). (Entered: 06/10/2019) |
| 08/07/2019 | <u>32</u> | NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019) |